Nada Smith

signed?

A. No.

Q. You had also stated that after the file was completed, you would take it and actually put it into a cabinet?

A. Yes.

Q. I think we established that that cabinet was not locked; correct?

A. Correct.

Q. Would you look in the file jacket to see that the papers -- all the papers -- were in order, or would you just take the file and put it into the cabinet?

A. I would just take the file. Sometimes I would check for the paperwork that I filled out, the DMV paperwork, and I would just pull out the whole file to get the papers that I needed.

Q. Did you have a computer at your desk?

A. Yes.

Q. Were you able to access the same programs that the financing department had on their computers?

Nada Smith

A. I don't believe so. I never even tried, because I wasn't doing anything. But I don't think I could.

Q. Would your computer get a notification when financing was approved for a particular client?

A. No.

Q. Do you know which computers would have that?

A. Julio's.

Q. Did your father have access to the same programs that Julio had on any of his computers?

A. No, I don't think so.

Q. You said that Mr. Tuhin was excited about getting his car?

A. Yes.

Q. Do you remember when you saw that excitement? Was that the day he purchased the car; correct?

A. Yes, the day he purchased the vehicle.

Q. Did he have any complaints about any documents that he had signed at that time?

Nada Smith

A. No.

Q. Did he ever say to you, "I don't even know who I'm getting financing from"?

A. No.

Q. Did Mr. Chowdhury ever say that to you?

A. No.

Q. What about Mr. Gabrys?

A. No.

Q. Do you remember any of those three people ever saying to you at any time that, "I didn't know I was getting financing from M&T Bank"?

A. No.

Q. You had mentioned that there was one person who made a complaint about forgery?

A. Yes, that Chinese client.

Q. Dong?

A. Yes.

Q. Do you know who they financed with?

A. I don't know what their story completely was, but I know that it had came up as a complaint. I don't know who their bank

Nada Smith

was. I don't know what happened with that client exactly.

Q. Do you know if that matter got resolved?

A. I have no idea.

Q. I'm sorry if I asked this question already. Let me just make sure.

A. Okay.

Q. Did you ever advertise during the time that you worked there, other than on the internet?

MR. SIMON: "You," referring to the dealership?

MR. GROSSMAN: The dealership.

Q. Meaning the dealership; did you ever advertise in newspapers?

A. I don't think so. I wouldn't know.

Q. To the best of your knowledge you advertised only on the internet? "You," meaning the dealership.

A. Yes.

Q. Again, I'm sorry if I already asked this question. Do you remember any

Nada Smith

specific complaints made to you about the internet price being lower than the price they were told the car would sell for?

A. No.

Q. Do you have any idea of the approval process of any of the banks on how they approved clients for financing?

A. No.

Q. Did Mr. Estrada ever have any conversation with you and tell you the difference of how one bank would approve someone as opposed to another bank?

A. No.

Q. To the best of your knowledge, before Mr. Estrada started working there did you ever receive any complaints from any customers that they were told that they can lower their interest rate on their financing?

A. I don't think so. I don't remember, but I don't think so.

Q. Let me ask you this. The first time you remember hearing about customers complaining about being told that they can lower their interest rate was when Mr. Estrada

was working for New York Motor Group?
A. Correct.
Q. You left there right before Mr. Estrada left?
A. Right after he left. Right after Mr. Estrada left, I left.
Q. Were you ever made aware by anyone of any other complaints made against New York Motor Group after Mr. Estrada left; that they were being told that they can lower their interest rate on their financing and that they found out that they couldn't?
A. I don't know. I was there for a short period of time after Mr. Estrada left.
Q. Mr. Keshavarz asked you about cameras at New York Motor Group.
A. Yes.
Q. Were you involved in any way in keeping or maintaining any of the film or video from those cameras?
A. No.
Q. One of the questions that was asked of you was whether or not you provided full, 100 percent refunds on people who would

Nada Smith

request refunds on cars that they didn't want to purchase?

A. Mm-hmm.

Q. I must have missed the answer.

Do you remember ever giving less than 100 percent of a refund to someone who wanted to bring back a car?

A. No. We always gave them back 100 percent, to my best knowledge.

Q. Do you know to what extent, if any, M&T Bank would speak to any of the customers or clients of New York Motor Group prior to them applying for financing?

A. No.

Q. Do you know to what extent, if any, M&T Bank would speak to the customers during the financing process?

A. No.

Q. Do you know if M&T Bank would even speak to the customers during the financing process?

A. I don't know.

Q. Did Mr. Estrada ever come to you and say that he was going to use another bank other than M&T Bank, because he didn't like working with M&T Bank?

A. No.

Q. Did he ever come to you and say that he was going work with another bank other than Santander Bank, because he didn't like working with Santander Bank?

A. No, he never talked to me about any of that stuff.

MR. GROSSMAN: One minute and I'll wind up. I have nothing further. Thank you very much.

THE WITNESS: Thank you.

MR. LANE: I have no further questions for Ms. Smith.

MR. SIMON: I have some questions. I'm going to withhold them for us.

(Time noted: 5:52 p.m.)

A C K N O W L E D G M E N T

STATE OF NEW YORK)
: Ss
COUNTY OF)

I, NADA SMITH, hereby certify that I have read the transcript of my testimony taken under oath in my deposition of February 26, 2015; that the transcript is a true, complete and correct record of my testimony, and that the answers on the record as given by me are true and correct.

____
NADA SMITH

Signed and Subscribed to
before me, this ____ day
of ________________, 2015

____
Notary Public, State of New York

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EXHIBITS

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1	Copy of Nada Smith's New York State identification card	13
2	Copy of Nada Smith's United States Uniformed Services ID card	14
3	Two-page document entitled "NYC Department of Consumer Affairs Notice of Hearing"	84
4	Two-page document entitled "NYC Department of Consumer Affairs Notice of Hearing"	86
5	One-page document entitled "Technology Insurance Company, Inc., Theft Deterrent Product Protection Certificate"	104
6	One-page document entitled "Santander Consumer USA Guarantee of Title"	105
7	One-page document entitled "New York State Department of Motor Vehicles, Odometer and Damage Disclosure Statement"	108

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8	Document entitled "Santander Consumer USA Reference Release Form"	207
9	One-page document depicting one money order	224
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11	One-page document depicting two money orders	225
12	One-page document entitled "Retail Certificate of Sale"	235
13	One-page document entitled "Retail Certificate of Sale"	235
14	One-page document entitled "Retail Certificate of Sale"	235

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DOCUMENTS AND/OR INFORMATION REQUESTED

DESCRIPTION	PAGE
Insert name of Long Island City dealership that Ms. Smith began working at in January of 2014	21
Provide copies of Ms. Smith's tax returns from 2010 to the present	43
Provide information related to where Ms. Smith banked and how much money she was paid by her father during the time she worked at the New York Motor Group	93

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DESCRIPTION	PAGE
Provide information about money paid by Mr. Eltouby or his wife to his daughter, Nada Smith, during the time she worked at New York Motor Group; provide information related to which banks this money was deposited into	95

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C E R T I F I C A T E

STATE OF NEW YORK)
) Ss:
COUNTY OF NEW YORK)

I, MEDEA EDER, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify:

That NADA SMITH, the witness whose examination is hereinbefore set forth, was duly sworn by me and that this transcript of such examination is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of March 2015.

____

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